

JA



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
 Address: COMMISSIONER FOR PATENTS
 P.O. Box 1450
 Alexandria, Virginia 22313-1450
 www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/980,921	10/26/2001	Amy Verhalen	006593-1966	8257
7590 01/25/2005 Michael J. Nieberding, Esq. Thompson Hine L.L.P. 2000 Courthouse Plaza NE 10 West Second Street Dayton, OH 45402-1758			EXAMINER CHOI, STEPHEN	
			ART UNIT	PAPER NUMBER
			3724	
DATE MAILED: 01/25/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.		Applicant(s)	
	09/980,921		VERHALEN ET AL.	
	Examiner		Art Unit	
	Stephen Choi		3724	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 May 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 5-8 and 19 is/are pending in the application.
- 4a) Of the above claim(s) 19 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 5-8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 October 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Drawings

1. In order to avoid abandonment, the drawing informalities noted in the paper mailed on 31 December 2003, must now be corrected. Correction can only be effected in the manner set forth in the above noted paper. The noted drawing informality in the previous office action is as follows: reference character "3502" has been used to designate both visible indicia and support surface.
2. The drawings were received on 03 May 2004. These drawings are acceptable.

Election/Restrictions

3. Newly submitted claim 19 is directed to an invention that is independent or distinct from the invention originally claimed for the following reasons: The invention claimed in claim 19 is independent from the invention originally claimed because the originally claimed invention does not require pivotally mounted sharpening and deburring stones set forth in claim 19.

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claim 19 has been withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

Art Unit: 3724

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over GB 2072785 (hereafter '785) in view of Tweed et al. (US 5,591,072).

'785 discloses the invention substantially as claimed including a rotatable blade having a sharp edge (4), a motor (6), a blade sharpening assembly having at least one sharpening stone normally positioned radially outward from and above the edge of the blade and linearly downwardly movable (Figure 2). '785 fails to disclose a retractable shield. Tweed discloses a retractable shield (80). It would have been obvious to one having ordinary skill in the art at the time the invention was made to employ a retractable shield as taught by Tweed on the device of '785 in order to protect the sharpening stone from debris when not in use. It is noted that the claim does not call for the sharpening stone being positioned radially spaced apart from the blade edge.

6. Claims 6-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over '785 in view of Anecki et al. (US 3,515,191).

'785 discloses the invention substantially as claimed including a guide (guides positioned parallel to 16 in Figure 2) and an actuator (a locking knob in Figure 2 which permits the sharpening stone to move downwardly). '785 fails to disclose a spring. Anecki teaches the use of a spring (32) for biasing a sharpening stone upwardly. It would have been obvious to one having ordinary skill in the art at the time the invention was made to employ a spring as taught by Anecki on the device of '785 in order to bias

Art Unit: 3724

the sharpening stone upwardly away from the blade to avoid inadvertent contact with the blade. Regarding claim 7, a position sensor (20 in '785).

7. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over '785 in view of Anecki as applied to claim 6, and further in view of Tweed.

The modified device of '785 discloses the invention substantially as claimed except for a retractable shield. Tweed discloses a retractable shield (80). It would have been obvious to one having ordinary skill in the art at the time the invention was made to employ a retractable shield as taught by Tweed on the modified device of '785 in order to protect the sharpening stone from debris when not in use.

Response to Arguments

8. Applicant's arguments with respect to claims 5-8 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

Art Unit: 3724


extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen Choi whose telephone number is 571-272-4504. The examiner can normally be reached on Monday-Friday 9:00-3:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Allan Shoap can be reached on 571-272-4514. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SC
21 January 2005


STEPHEN CHOI
PRIMARY EXAMINER